

REQUEST FOR COUNCIL ACTION

MS
MEETING

DATE: 3-17-03

AGENDA SECTION: CONTINUED - PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37 th Street NW and west of the Zumbro River.		PREPARED BY: Mitzi A. Baker, Senior Planner
<p>February 13, 2003</p> <p><i>Please note that staff is not recommending in favor of this petition.</i></p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>The City Planning and Zoning Commission held a public hearing on February 19, 2003, to consider this petition.</p> <p>Burke moved to approve Zoning District Amendment #02-15 based on the fact that all of the adjacent properties are currently zoned B-4. Ms. Petersson seconded the motion. The motion carried 7-0, with Ms. Rivas voting nay.</p> <p><u>Planning Staff Recommendation:</u></p> <p>See attached staff report.</p> <p><u>Council Action Needed:</u></p> <p><i>The Council should direct the City Attorney to prepare findings of fact reflecting the Council's decision on this zone change.</i></p> <p><i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property.</i></p> <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Clerk2. City Administrator3. City Attorney: Legal Description attached4. Planning Department File5. Applicant: This item will be considered sometime after 7:00 p.m. on Monday March 17, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.		
COUNCIL ACTION:		
Motion By:	Seconded By:	Action:

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PARKWAY PLAZA

PARKWAY PLAZA 2

HyVee North

ELTON HILLS NORTH 6

LEISURE COURT NW

CHALET DR NW

37TH STREET NW

3rd AVE NW

3rd AVE NW

WEST RIVER PARKWAY NW

FLOOD ELEVATION 872.8

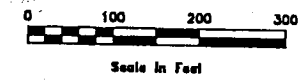
100 Year Flood Line

Floodway Limits

FLOOD ELEVATION 873.5

LUPA Zone Change and GDP Area

approximate area



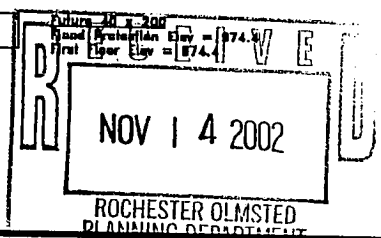
Legal Description:

The South Half of Northeast Quarter of Section 23, Township 107, Range 14, City of Rochester, Olmsted County, Minnesota lying West of the Zumbro River; except the North 8 corner thereof; and except that part lying southwesterly of West River Parkway.

Current Zoning: R-1

Proposed Zoning: B-4

- Phase 1**
 70 x 100 - 2 Story
 Office/Retail
 Flood Protection Elev = 874.0
 First Floor Elev = 876.0
- Future 40 x 100**
 Flood Protection Elev = 874.2
 First Floor Elev = 876.0

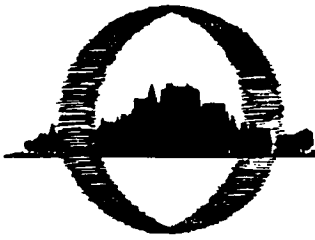


J.L. Leitz, LLC - West River Parkway
 S 1/2 NE 1/4 Section 23-107-14

10-18-02 12087-02

LAND CONSULTANTS
 OF SOUTHERN MINNESOTA, INC.
 1418 First Avenue N.E.
 Rochester, Minnesota 55906
 (507) 266-8000

BOUNDARY SURVEYS
 LAND SUBDIVISION
 DEVELOPMENT PLANNING



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Mitzi A. Baker, Senior Planner

DATE: December 5, 2002

RE: Zoning District Amendment #02-15 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-4 (General Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37th Street NW and west of the Zumbro River.

Planning Department Review:

Petitioner: Mark Leitzen
309 60th Ave SW
Rochester, MN 55902

Location of Property: The property is located along the northeast side of West River Parkway, east of 3rd Ave NW and the HyVee north store.

Requested Action: The applicant is requesting a Land Use Plan Amendment and Zoning District Amendment on this site to accommodate B-4 zoning. The GDP proposes three potential building sites.

Existing Land Use: The property is currently undeveloped.

Proposed Land Use: The General Development Plan for this property proposes three building sites, one is labeled as office/retail. The other two are not labeled as far as use, but the applicant verbally identified those as intended for office use.

Adjacent Land Use and Zoning: Property to the west of 3rd Ave. NW is the site of a HyVee grocery store. To the east is the Zumbro River. North of this property is a property zoned B-4, which is occupied by a steel sided building and the site is currently being used for seasonal sales of



Christmas trees. To the south is a parcel of undeveloped property and the City park land. South west, across West River Parkway are townhomes and other residential development.

Transportation Access:

The GDP for this property proposes three access to the site, two from West River Parkway and one from 3rd Ave NW. Access will not be permitted at all locations shown on the GDP however. Access will be limited to one location from 3rd Ave., and an additional access may be permitted to West River Parkway, but will likely need to be a shared access at the south property line. Since West River Parkway is an Arterial roadway, the shared access may be required to provide adequate spacing, while providing access to two properties.

Wetlands:

There may be hydric soils in the Floodway district. Additional site investigation should be completed. The property owner is responsible for identifying Westlands on the property and submitting the information to the LGU.

Referral Comments:

1. See comments attached to GDP 195

Report Attachments:

1. Location Map

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) **The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:**
 - a) **The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;**
 - b) **The area was originally zoned erroneously due to a technical or administrative error;**
 - c) **While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or**
 - d) **The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.**

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If Land Use Plan amendment #02-02 is approved, the current zoning of this property will be inconsistent with the Land Use Plan designation for this site. Staff has however, recommended denial of the Land Use Plan amendment.

2) The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:

a) the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and

Although some limited uses allowed within the B-4 (General Commercial) zoning district could be appropriate for this property, there are numerous uses permitted in the B-4 district that would not be appropriate on this property. The intensity of development permitted in the B-4 district and the permitted hours of operation would not be appropriate on the subject property.

b) the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).

Though the adjacent property to the west of 3rd Ave. NW and also the property to the north are currently zoned B-4, this property does not meet land use plan criteria which would support zoning this property B-4 (General Commercial).

Staff Recommendation:

Staff suggests that the findings do not support re-zoning this property to the B-4 (General Commercial) zoning district. A Land Use Plan Amendment and General Development Plan are also being considered at this time.

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Attendance Roll

NEIGHBORHOOD MEETING

PROJECT:
DATE:
TIME:
PLACE:

J.L. LEITZ, LLC PROPERTY
TUESDAY, NOVEMBER 26, 2002
7:30 P.M.
UNITY CHURCH - 11TH AVE. NW
ROCHESTER, MINNESOTA

NAME	ADDRESS	PHONE NO./FAX NO.
1. Day Jean Aronson	3413 Leisure Ct NW	282-5763
2. Ron Neubauer	3414 Leisure Ct NW	289-1738
3. Frank Remington	3337 Leisure Ct. NW	289-8819
4. J. H. Homan	3405 Leisure Ct NW	282-2194
5. Cathy Burns	3329 Leisure Ct NW	282-5896
6. Ed Burke	3402 Leisure Ct NW	288-3978
7. Dale Richter	3401 Leisure Ct NW	289-2951
8. Bob Bruesewitz	3336 Geselle Ln. NW	282-1763
9. Bruce Christensen	3419 Leisure Ct NW	282-2699
10. Steve Huyber	3420 Leisure Ct.	288-3246
11. C. Meelle	411 Choket Dr NW	289-9176
12. Tom Allen	6851 FCP E.P.M.N.	612-368-2298
13. Mary Kathleen Kriess	3410 Leisure Ct NW	289-8851
14. Rod Walters	3333 Leisure Ct NW	282-3938

NAME	ADDRESS	PHONE NO./FAX NO.
15. Dave Seijem	2423 12 Ave NW	282-7648
16. Bob Ludwig	295 37th St NW	289-5911
17. Steve McNaughton	422 Chalet Dr NW	529-5657
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MINUTES OF NEIGHBORHOOD MEETING

November 27, 2002

Gary Leitzen opened meeting at 7:33 PM by introducing himself and Mark.

Began the meeting by providing information where the project is located, who the owners are, and what the current plans are for developing the project.

Gary told the audience he is requesting a zone change to B4. The current plans include a commercial development, (not an apartment, heavy industrial or heavy construction). The site will include plenty of ample parking space. They have no tenant currently in mind and have not been contacted or contacted anyone regarding leasing the building/buildings.

Neighbors were told there would be not an adult bookstore or dance hall constructed on the site.

With the waterways and floodway there will be some building site restrictions. But there will be a lot of green space, which includes trees used as buffers.

Does the trail stay?	YES
Will you keep the trees for visual barriers?	YES
Will the elevation be changed?	The elevation will be raised in the building site. The floodway elevation will not be changed .
Where does access come in?	3rd Ave.
Will this project create a traffic flow problem?	Will be addressed with the City.
What work has already been done on the site?	Clearing trees.
How much fill will be needed?	Amount is unknown. Fill will be engineered and compacted as necessary.

What about the concrete there now?	Will be removed and cleaned up.
Has there been any soil testing done yet?	No.
How many acres?	Ten acres
How many stories will the buildings be?	Possibly two.
Do you plan to re-zone and then sell?	NO
Will the city have to widen the road?	Will be addressed with the city.
Sewer & Water – is it available?	YES
Will neighbors be notified regarding changes?	YES
What will the buffer between plan & homes?	Approximately 300'
Do you see a stop light added?	Will be addressed with the City.
What time of day do you anticipate work being done?	7 a.m. to 6 p.m.
Have you approached the city regarding selling the property to them for a park?	We have not discussed it.
What type of trees do you anticipate?	Evergreens or Oaks
Neighbors want something to block bldgs.	Trees
Would you be willing to plant trees by the road on the west side of West River Road?	We don't own that property.
Can neighbors be involved in the zoning process?	The city will notify you through out the process.
Would you be willing to change to B1 instead of B4?	Not sure of differences between two.

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What are your timetables?

**Takes at least two
years site work to be
completed.**

When do you plan to start zoning changing?

NOW

**What about architecture drawing to give neighbors
a better idea of your plan?**

**The current map
gives an accurate
picture.**

**Can the neighborhood association have
a copy of the map?**

**YES – given a copy
tonight**

Meeting adjourned at 8:15 PM

Minutes taken by Jackie Payne